

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO,

Plaintiff,

v.

FRIED OR BOILED SEAFOOD INC., et al.,

Defendants.

Case No. 1:23-cv-01281-ADA-SAB

ORDER DIRECTING CLERK OF COURT  
TO CLOSE CASE AND ADJUST THE  
DOCKET TO REFLECT VOLUNTARY  
DISMISSAL PURSUANT TO RULE 41(a)  
OF THE FEDERAL RULES OF CIVIL  
PROCEDURE

(ECF No. 4)

On November 9, 2023, Plaintiff filed a notice of voluntary dismissal of the entire action with prejudice pursuant to Federal Rule of Civil Procedure (“Rule”) 41(a)(1)(A)(i). Under Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.’ ” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)).

In light of the notice of dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson, 111 F.3d at 692, and has been dismissed with prejudice.

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1 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this  
2 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

3  
4 IT IS SO ORDERED.

5 Dated: November 13, 2023

  
UNITED STATES MAGISTRATE JUDGE